

### REMARKS

Claims 1 to 16, 18, 19, 21 and 22 are pending in this application. Claims 1 to 16, 18 and 19 are amended. Claims 17 and 20 are canceled. New claims 21 and 22 are added herein.

#### The Rejections under 35 U.S.C. §112

The claims are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1 to 16, 18 and 19, are amended herein to remedy the informalities noted in the Office Action. Claims 17 and 20 are canceled as being of duplicate scope as amended claims 5 and 6, respectively. It is respectfully submitted that any basis for this rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

#### The Rejection under Prior Art

Claims 1-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Nishioka et al. European reference EP 1,314,681. Claim 1 is amended herein to more explicitly set forth the distinctions between Applicant's invention and the disclosure of Nishioka et al.

The Nishioka et al. reference is directed to a method for operating a crane by moving the cargo along an arc shaped curve connecting an initial position and a target position. The arc shaped curve does not pass through a minimum turning circle which defines a range in which handling operation for the cargo is not possible because of mechanical restriction of the crane. However, the arc shaped curve contacts the minimum turning circle at one point. See, e.g., Fig. 3 of Nishioka et al.

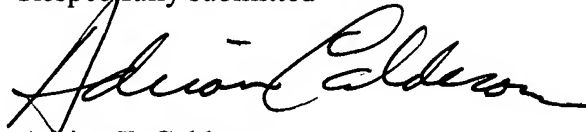
However, Nishioka et al. mention nothing about a track control system which calculates control voltages ( $u_{SiD}$ ,  $u_{SiA}$ ,  $u_{SiL}$ ,  $u_{SiR}$ ), wherein starting points ( $u_{outD}$ ,  $u_{outA}$ ,  $u_{outL}$ ,  $u_{outR}$ ) of the control voltages go directly or indirectly from the track control system (31) into a control system (41) for controlling the position and speed of the crane or excavator) as input values for position and/or speed of the crane or excavator, with set points for the track control system (31) being generated for moving the load with minimized oscillation amplitudes, as recited in Claim 1, paragraph (e).

The Office Action states merely that Nishioka et al. '681 discloses an automated oscillation controlled crane as per the claimed invention. No further details or reasons are given as to exactly how Nishioka et al. anticipates the invention claimed herein. As such, the comments in the Office Action are conclusory and do not support the rejection. However, it is submitted that the amendments herein will clarify the distinctions between the claimed invention and Nishioka et al. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For at least the reasons stated above all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Adrian T. Calderone", written over a horizontal line.

Adrian T. Calderone

Reg. No. 31,746

Attorney for Applicant(s)

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, NY 11553

Tel: (516) 228-8484

Fax: (516) 228-8516